

REMARKS

Claims 1-3 and 17-52, all the claims pending in the application, stand rejected. Claim 1 is amended.

Double Patenting

Claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 5,751,338 (*Ludwig I*) in view of U.S. Patent 5,382,972 (*Kannes*). This rejection is traversed.

Claims 1-3 of the present application specify the invention as comprising (a) a first premises network; (b) a plurality of user workstations interconnected by the first premises network; and (c) a multimedia central office being in communication with the first premise network and being adapted for coupling to a public digital network; where:

- (1) the central office further being coupled to at least one other workstation, not associated with the first premises network, and
- (2) the central office being configured to combine captured video images, of at least three users, into a mosaic image for reproduction at a workstation of at least one user.

The Examiner admits that the limitation (2) is not present and must look to *Kannes* for that teaching. However, the combination of limitations defined by (a)-(c) in conjunction with (1) is not found in claim 1 of *Ludwig I*. Thus, the rejection must fail and should be withdrawn.

Moreover, claim 1 of *Ludwig I* contains limitations (e.g., twisted pair) that are not found in the pending claim 1 of the present application. Thus, the scope of claim 1 in *Ludwig I* cannot cover the subject matter of pending claim 1. For this additional reason, the rejection must fail and should be withdrawn.

Claims 1-3 are rejected under the judicially created doctrine of obviousness-double patenting as being unpatentable over claim 1 of U.S. Patent 6,081,291 (*Ludwig II*), in view of U.S. Patent 5,382,972 (*Kannes*). This rejection is traversed.

Similarly, The Examiner admits that the limitation (2) is not present and must look to *Kannes* for that teaching. However, the combination of limitations defined by (a)-(c) in conjunction with (1) is not found in claim 1 of *Ludwig II*. Thus, the rejection must fail and should be withdrawn.

Moreover, claim 1 of *Ludwig II* contains limitations (e.g., twisted pair) that are not found in the pending claim 1 of the present application. Thus, the scope of claim 1 in *Ludwig II* cannot cover the subject matter of pending claim 1. For this additional reason, the rejection must fail and should be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1-3 and 17-52 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner argues that in claim 1, several items are unclear including:

(1) “how the multimedia central office further being coupled to at least one other workstation not associated with the first premises network;”

(2) “how the at least one other workstation not associated with the first premises network in related to a plurality of user workstations interconnected by the first premises network; and

(3) whether the limitation “a workstation of at least one user” is referring to one of a plurality of user workstations interconnected by the first premises network or one other workstation not associated with the first premises network..

The claim defines the structure of a system, and one skilled in the art would clearly understand the connection among the content of the first premises network and the multimedia central office and the “at least one other work station” not associated with the first premises, on the face of the language and certainly on the basis of a review of the specification and figures. The claims are not intended to be a text on how to construct the system and, in fact, the specification is not either. Both are written for one skilled in the art. Unless the Examiner can point to an ambiguity or error in the claim, Applicant respectfully submits that the Examiner’s bases for items (1) and (2) should be withdrawn.

As to item (3), it is clear that the mosaic can be presented at any of the workstations, without limitation. The advantage of the invention is that the mosaic can be prepared from

images at any workstation, including one not a part of a first premises network, and presented at any workstation, including those part of and not part of the first premises network.

Applicant has amended the claim to state that the mosaic includes at least one image from a workstation in the first premises network and one image from a workstation not in the first premises network. Applicant respectfully submits that the language is clear.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 17-35, 40, 43-45 and 47-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landante et al* (5,555,017) in view of *Friedell et al* (5,491,508). This rejection is traversed.

The Examiner asserts that *Landante* teaches all of the claimed invention in the illustration and accompanying description of Fig. 2, with the exception of the ability of the multimedia central office being configured to combine captured video image of at least three users into a mosaic image for reproduction at a workstation. In particular, the Examiner asserts that *Landante* shows a plurality of workstations (104, 106) interconnected to a first premises network 108, each of the workstations having interfaces, including input and output means as taught at col. 5, lines 30-44. The Examiner also asserts that there are one or more network interfaces for communicating over different networks, with reference to col. 3, line 48 - col. 4, line 7. On the basis of this disclosure, the Examiner states that there is a teaching of an ability to couple to other networks (including a public digital network), and that this teaching necessarily leads to the conclusion that the server 102 is capable of being coupled to at least one other workstation that is not associated with the first premises network.

These assertions are based solely on hindsight and cannot be a valid basis for the present rejection for the following reasons.

First, the structure disclosed in the cited portion of the specification of *Landante* is prior art to the main disclosure. Figure 1 and the cited text merely teaches a reservation system 700 that is connected to a multi media server (MMS) 713 that itself couples to plural (two) networks 709 and 711. End point devices 715 can communicate with the reservation system via the networks and the MMS.

Second, the invention of Fig. 2 teaches the existence of only a single network 108, which has plural (three) endpoint devices (104, 106, 165) coupled thereto. Figure 2 and its accompanying disclosure does not teach coupling to a further network. Moreover, there is no teaching or suggestion that the further network should be a public digital network, as claimed. The endpoint devices in Fig. 2 clearly cannot be part of networks, as they are described consistently as having “user endpoint devices” in the specification (see col. 5, lines 30-44). While there is an illustration of two networks in Fig. 4, that system does not couple the MMS to a network and a workstation not coupled to the network, as the two networks are terminated at endpoints.

Third, given the absence of any further networks in connection with the preferred embodiments in *Landante*, the reference does not teach the coupling of a third workstation that is not part of the network 108.

A further feature of the present invention that is not found in *Landante* is the claimed “multimedia central office.” The term “central office” has a known meaning in the art and encompasses a unit that has multiple features, including bridges, routers, switches and data hubs (see Fig. 3). By contrast, the MMS 102 is described at col. 5, lines 10-14 as being implemented using a multipoint control unit (MCU), which is a device for bridging of ITU-T multimedia protocols. However, this at best is a subset of the central office as claimed.

Finally, the present invention has been clarified to state that the central office is configured to combine captured video images, of at least three users including an image from a workstation in the first premises network and an image from a workstation not in the first premises network, into a mosaic image for reproduction at a workstation of at least one user. This limitation expressly states the unique ability of the multimedia central office to combine images from a first network with images from another user not tied to the network to form a mosaic, and to present that mosaic to any of the users coupled to the central office. By the Examiner’s admission, there is no teaching in *Landante* of any generation of a mosaic of images. Such feature would not be obvious from the teachings of other cited references.

Friedell et al does not teach the mosaic feature for at least the reasons given in the previous amendments. In particular, there is no teaching in *Friedell et al* that mosaic images can be created in a system that extends beyond a local area network and includes (1) an aggregating “multimedia central office” that links (2) the aggregate community (**first premises network**) with (3) another workstation not in that network. Moreover, *Friedell* does not teach mosaic creation based on connectivity via another network, particularly a public digital network.

Second, there is no basis for combining *Landante* with *Friedell et al*, or in modifying *Landante* to remedy the other deficiencies of *Landante*, as there is no “multimedia central office” in communication with a network in *Friedell*. As is clear from Fig. 1 of *Friedell et al*, HUBs connect to HUBs. Each HUB 14 connects to other HUBs 14. No HUB 14 connects to a workstation not in its “network” as defined by the Examiner. Moreover, there is no multimedia central office (as in **claim 1**) that connects to “a first network” and “at least another workstation not associated with the network”.

Friedell et al does not teach any ability of the central office to transceive audio/video and digital data signals (which includes digital switching information) as part of the multimedia exchange. In the expressly claimed environment of a mosaic, this means that the delivery and assembly of images along with accompanying audio are accomplished by transmitting the digital information along with the multimedia content. *Friedell et al* does not teach such transceiving.

Further, *Friedell et al* is clearly limited to a local area network arrangement, as evident from Fig. 1, where all of the data relating to the operation of this system is carried by a separate LAN 12 that directly connects all of the workstations 10. Clearly, such system does not transceive data, particularly switching data, through any HUB 14. *Friedell’s* system must be confined to a local premises, as the LAN 12 in *Friedell* is simply a connector to all stations 10. No data goes through the HUBs 14. Thus, *Friedell* would not teach one skilled in the art how or why to modify a network based system, should one be disclosed in *Landante*, as asserted by the Examiner.

Friedell teaches only a single network within which all workstations are connected via LAN 12, rather than a network connected to a multimedia central office which is further

connected to another workstation. The Examiner is improperly using hindsight to suggest that such limited teaching could result in a modification of the network of Landante, and achieve the present invention as claimed.

Clearly, none of claims 1-3, 17-35, 40, 43-45 and 47-52 are obvious in view of the limited teachings of *Landante* and *Friedell et al.* On the basis of the foregoing, Applicant respectfully submits that the rejection must be withdrawn.

Claims 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landante et al* (5,555,017) in view of *Fridell et al* (5,491,508) and further in view of *Kannes* (5,382,972). This rejection is traversed for at least the following reasons.

First, the claims would be patentable for the reasons given for parent claim 1. *Kannes* does not remedy those deficiencies.

Second, not only does *Kannes* suffers from the same deficiency as *Friedell*, it is focused on a local and centrally controlled distribution network. The system is controlled by a centrally located operator 6 (fig 2). There is no teaching of how a decentralized system would be combined with a centralized system; in fact, these are opposed teachings. Now, the claims recite an adaptability for communication via a public digital network.

The Examiner has not explained how or why one would consider combining *Kannes* with either of the *Landante* and *Friedell et al* systems. *Kannes* is a courtroom system, with a coverage limited to a few adjacent rooms at most. There is no basis for extending *Kannes* to a more complex network system as contemplated by the other references.

Claims 38-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landante et al* (5,555,017) in view of *Fridell et al* (5,491,508) and further in view of *Hamrick* (5,504,808). This rejection is traversed for at least the following reasons.

First, the claims would be patentable for the reasons given for parent claim 1. Second, *Hamrick* is not cited to, and does not remedy those deficiencies.

Amendment Under 37 CFR 1.111
09/471,577

Claims 41-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landante et al* (5,555,017) in view of *Fridell et al* (5,491,508) and further in view of *Flohr* (5,374,953). This rejection is traversed for at least the following reasons.

First, the claims would be patentable for the reasons given for parent claim 1. Second, Flohr is not cited to, and does not remedy those deficiencies.


Claim 46 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landante et al* (5,555,017) in view of *Friedell et al* (5,491,508) and further in view of *Kostrecki* (5,635,979). This rejection is traversed for at least the following reasons.

First, the claims would be patentable for the reasons given for parent claim 1. Second, Kostrecki is not cited to, and does not remedy those deficiencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Alan J. Kasper
Registration No. 25,426

Ex # 44,186
for

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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